

SUPREME COURT OF THE STATE OF NEW YORK
ROCKLAND COUNTY

-----x
Melanie Chandler

Plaintiff,

- against -

SALVATION ARMY OF THE UNITED STATES,
AND THE SALVATION
ARMY USA EASTERN TERRITORY DIVISION

Defendants.
-----x

To the above named Defendants:


YOU ARE HEREBY SUMMONED to answer the Verified Complaint in this action and to serve a copy of your Verified Answer on the undersigned attorneys, Hach Rose Schirripa & Cheverie LLP, representing Plaintiff, within twenty (20) days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York).

Please take notice that this action is based on a tort cause of action, that plaintiff seeks money damages for personal injuries and that incase of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Verified Complaint.

Dated: New York, New York
November 19, 2019

Respectfully Submitted,

HACH ROSE SCHIRIPPA & CHEVERIE, I.L.P


MICHAEL ROSE, ESQ.
HILLARY M. NAPPI, ESQ.
112 Madison Avenue, 10th Floor
New York, New York 10016
212-213-8311

Attorneys for Plaintiff Melanie Chandler

SUPREME COURT OF THE STATE OF NEW YORK
ROCKLAND COUNTY

-----X
MELANIE CHANDLER

Index No. _____

Plaintiff,

- against -

VERIFIED COMPLAINT

SALVATION ARMY OF THE UNITED STATES,
and THE SALVATION ARMY USA EASTERN
TERRITORY DIVISION

JURY TRIAL DEMANDED

Defendants.
-----X

Plaintiff, Melanie Chandler, by attorneys Hach Rose Schirripa & Cheverie LLP, complaining of the Defendants SALVATION ARMY OF THE UNITED STATES and THE SALVATION ARMY USA EASTERN TERRITORY DIVISION respectfully alleges, upon information and belief and states as follows:

NATURE OF THE ACTION

1. This is a revival action brought pursuant to the New York Child Victims Act (the “CVA”), CPLR § 214-g. The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims. Prior to the passage of the CVA, each of Plaintiff’s claims were barred when she turned 23 years old.

2. When Melanie Chandler was a child, she was sexually abused by Michael Charles Sharpe. Sharpe was able to target, groom, manipulate and repeatedly sexually assault Plaintiff during the course and scope of his employment and as a result of the negligence of the Salvation Army of the United States, and the Salvation Army Greater New York Division.

3. As a result of the passage of the CVA, Plaintiff for the first time in her life can pursue restorative justice. Plaintiff brings suit to vindicate her rights.

PARTIES

4. Plaintiff Melanie Chandler (“Plaintiff”) is an individual residing in Pennsylvania. At all times relevant hereto, Plaintiff resided in New York State.

5. Upon information and belief, Defendant Salvation Army of the United States is headquartered in Alexandria, Virginia. Upon information and belief, Defendant Salvation Army of the United States maintains operations, offices, and personnel in County of New York and those operations, offices, and personnel are material to the allegations herein.

6. Upon information and belief, Defendant the Salvation Army USA Eastern Territory Division is a resident of the County of Rockland, State of New York. Upon information and belief, Defendant the Salvation Army USA Eastern Territory Division maintains operations, offices, and personnel in County of Rockland and those operations, offices, and personnel are material to the allegations herein.

7. Defendant Salvation Army of the United States and Defendant The Salvation Army USA Eastern Territory Division are hereinafter collectively referred to as “Salvation Army” or “Salvation Army Defendants.”

8. The incidents alleged in this Complaint occurred in or around property owned and/or controlled by Salvation Army Defendants.

Relevant Non-Parties

9. Michael Charles Sharpe (“Sharpe”) was a commanding officer at the East Northport Salvation Army Corps.

10. Sharpe is not a party to this action. However, Sharpe is the individual who committed the sexual abuse described herein which give rise to Plaintiff’s allegations. Sharpe died in 2009.

11. At all times relevant hereto, Sharpe was an agent of the Defendants.

JURISDICTION AND VENUE

12. This Court has personal jurisdiction over the claims asserted herein pursuant to C.P.L.R. §§ 301 and 302, in that Defendants conduct business in New York.

13. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceed the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

14. Venue for this action is proper in the County of Rockland pursuant to C.P.L.R. § 503 in that one or more of Defendants maintain a principal place of operation in Rockland County.

FACTS COMMON TO ALL CAUSES OF ACTION

Plaintiff Meets Sharpe

15. Plaintiff was born in February of 1968.

16. Plaintiff grew up in a single parent household with her mother as her guide.

17. Plaintiff's mother took her to attend the church at the Salvation Army in East Northport, New York.

18. Plaintiff's mother was deeply involved in the East Northport Salvation Army Corps and as such, Plaintiff spent a considerable amount of time in or around property owned and/or controlled by Salvation Army Defendants.

19. Eventually, Plaintiff came to trust and rely on the Salvation Army and its officers.

20. As a teenager, Plaintiff was involved in several youth activities at the Salvation Army. Particularly, she was involved in a music program where a collection of adults who had various positions in the Salvation Army would gather and play music. Plaintiff would attend and bring her cornet.

21. In addition to playing music, Plaintiff was an athlete and was on a softball team. She also played basketball at a gymnasium in or around property owned and/or controlled by Salvation Army Defendants.

22. In or around July 1982, Plaintiff was 14 years old.

23. In or around July 1982, Sharpe and his wife were appointed as commanding officers and assigned to the East Northport Salvation Army Corps. There, Sharpe met Plaintiff.

Sharpe Targets and Grooms Plaintiff

24. Sharpe immediately recognized that he could exploit Plaintiff and began to shower her with attention.

25. Sharpe began showing up at Plaintiff's softball games and at her music program and showering her with attention and paying her compliments, both about her abilities and her body.

26. Sharpe began to isolate Plaintiff and include her in Salvation Army activities like "kettle pick-ups" in the winter of 1982.

27. A "kettle pick-up" is when a member of the Salvation Army will drive around and collect the "kettles" – frequently seen outside stores, restaurants, gas stations and other areas around the holiday season – used to raise money for the indigent. Kettle-pick up is an activity typically reserved for adults. Additionally, agents who operated the kettles were also picked up at the same time.

28. Sharpe would pick Plaintiff up and take her to collect the kettles in a van owned by the Salvation Army Defendants. The adults staffing the kettles saw Plaintiff in the van with Sharpe.

29. Upon information and belief, other Salvation Army employees noticed this attention and were suspicious of the relationship between Sharpe and Plaintiff.

30. By the end of 1982, Plaintiff completely trusted Sharpe and looked to him for emotional support and attention.

Sharpe Repeatedly Sexually Abuses Plaintiff

31. In or around March 1983, when Plaintiff was 15 years old, Plaintiff's mother's dear friend passed away. Plaintiff was upset and felt alone and confided her feelings to Sharpe. During this conversation, Sharpe tested Plaintiff's boundaries and first sexually molested Plaintiff by rubbing her genitals, and kissing her. Plaintiff was shocked and confused.

32. Sharpe told Plaintiff this behavior was their secret and not to tell anyone. Plaintiff, naïve and confused, complied.

33. Upon information and belief, the Salvation Army Defendants would rent apartments to those involved in the organization and to officers of the organization.

34. Upon information and belief, the Salvation Army Defendants rented a two bedroom single family home to Plaintiff's mother in or around summer of 1983.

35. Upon information and belief, Sharpe was instrumental in securing this residence for Plaintiff's family. Because of Sharpe's involvement, and Salvation Army Defendants renting of the property to Plaintiff's family, Sharpe was now Plaintiff's next-door neighbor.

36. Upon information and belief, Sharpe assisted Plaintiff's mother in securing this housing to be closer to Plaintiff and make it easier for Sharpe to sexually abuse Plaintiff. Indeed, Sharpe lived steps away from Plaintiff and now had unfettered access to Plaintiff.

37. Sharpe built trust with Plaintiff's mother who came to rely on Sharpe to take Plaintiff to school frequently.

38. Sharpe continued his grooming behavior and began to increase his molestation and harassment of Plaintiff for the following year. Over the course of the year which followed, Sharpe would frequently touch and digitally penetrate Plaintiff's vagina and forced Plaintiff to touch his penis.

39. In August 1984, the Salvation Army Glen Falls Corp, of which 16 year old Plaintiff was a member, went on an after camp trip to Lake George for or two nights. Sharpe chaperoned this trip.

40. While on this trip, Sharpe isolated Plaintiff in a park and proceeded to have vaginal intercourse with Plaintiff.

41. Thereafter, Sharpe knew no bounds. He began forcing Plaintiff to engage in oral and vaginal sex on a regular basis.

42. After Sharpe forced Plaintiff to lose her virginity, he would engage in vaginal intercourse with her frequently before taking her to school.

43. Sharpe would use every Salvation Army event possible as an excuse to be alone with Plaintiff and sexually assault her.

44. Sharpe frequently chaperoned youth organization trips, which Plaintiff participated in; most often a weekly Friday night trip to New York City, where Sharpe drove a van owned by the Salvation Army Defendants.

45. Sharpe would frequently drive the Salvation Army Defendants van to transport groups of Salvation Army members on trips. When the other participants were out of the van and at the designated activity, Sharpe instructed Plaintiff to remain in the van and Sharpe would then engage in intercourse with Plaintiff.

46. Upon information and belief, Sharpe's inappropriate behavior was so obvious to other adults who observed him with Plaintiff, that those adults became concerned for Plaintiff.

47. One day during her music program, after the music had ended, a Salvation Army employee asked everyone to leave the room, and approached Plaintiff. She asked Plaintiff if she was alright and implied that she knew something inappropriate was going on. Fearful that she would be in trouble, Plaintiff did not disclose details.

48. Upon information and belief, this same adult approached Sharpe and inquired about his relationship with Plaintiff.

49. Upon information and belief, this employee did not inform law enforcement, social services, or adequately protect Plaintiff. In fact, no intervention ever occurred and as a result, Sharpe continually raped Plaintiff until he was transferred from East Northport Salvation Army Corps.

50. Upon information and belief, just three years after Sharpe arrived, Defendant Salvation Army of the United States and Defendant The Salvation Army USA Eastern Territory Division transferred Sharpe to Manhattan.

51. At all times herein, Plaintiff was a minor and therefore, Plaintiff could not and did not consent to Sharpe's sexual advances and actions.

52. At all times herein, Sharpe's conduct violated the New York State Penal Code.

53. As a direct result of the Defendants' conduct described herein, Plaintiff has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff was prevented from obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and has incurred and will continue to incur loss of income

and/or loss of earning capacity. As a victim of Defendants' sexual abuse, Plaintiff is unable at this time to fully describe all of the details of that abuse and the extent of the harm suffered as a result.

CAUSES OF ACTION

FIRST CAUSE OF ACTION CHILDHOOD SEXUAL ABUSE AND VICARIOUS LIABILITY (Against All Defendants)

54. Plaintiff repeats and realleges each and every allegation contained in paragraphs "1" through "53" above with the same force and effect as if more fully set forth here.

55. At all relevant times alleged herein and during his employment, Sharpe was an employee and officer of Salvation Army, and was thereby given access to Plaintiff during the course and scope of his duties, when his employer knew or should have known that Sharpe presented an unreasonable risk of harm to minors, including Plaintiff.

56. Sharpe's repeated isolation of Plaintiff, and obvious grooming of Plaintiff constituted "red flags" that went unheeded, and but for the negligence of Salvation Army Defendants, Sharpe's actions went unchecked as he continued to molest and abuse Plaintiff between 1983 and 1985.

57. All Defendants had a non-delegable duty to protect minors, like Plaintiff, from unwanted sexual conduct, sexual abuse, and the associated trauma resulting therefrom. Here, Defendants failed to take any reasonable steps to ensure the safety of children, and Plaintiff in particular.

58. The Salvation Army Defendants by and through their agents, servants and/or employees, had actual knowledge, knew, or reasonably should have known, of Sharpe's dangerous and exploitative propensities and/or that Sharpe was an unfit agent because of his sexual interest in children. Other Salvation Army employees knew or should have known from when the abuse

began and suppressed that information. No one informed law enforcement, social services, or adequately protected Plaintiff.

59. It was reasonably foreseeable that if Salvation Army Defendants did not adequately exercise or provide the duty of care owed to children in its control and care, including but not limited to Plaintiff, the children entrusted to their care would be vulnerable to sexual abuse by Defendants' agents, servants, and/or employees, including Sharpe.

60. Salvation Army Defendants each breached the duty of care owed to the minor Plaintiff by failing to protect her from foreseeable harm of sexual misconduct of its employees or officers, including Sharpe.

61. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, depression, anxiety, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

62. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

**SECOND CAUSE OF ACTION
NEGLIGENT HIRING AND RETENTION
(Against All Defendants)**

63. Plaintiff repeats and realleges each and every allegation contained in paragraphs "1" through "53" above with the same force and effect as if more fully set forth here.

64. Salvation Army Defendants each had a duty to protect Plaintiff when she was entrusted to their care. Consequently, Salvation Army Defendants owed Plaintiff, in addition to a duty of ordinary care, the high duty of care for adults supervising children within their care and control. Plaintiff was owed, at minimum, by Salvation Army Defendants a duty to be protected from harm inflicted by Sharpe, during the course of Plaintiff attending meetings and events within the Salvation Army.

65. Salvation Army Defendants, by and through their agents, servants, and/or employees, had actual knowledge, knew, or reasonably should have known of Sharpe's dangerous and exploitative propensities and/or that Sharpe was an unfit agent because of his sexual interest in children. It was reasonably foreseeable that Salvation Army Defendants did not adequately exercise or provide the duty of care owed to children in their control and care, including but not limited to Plaintiff, she would be vulnerable to sexual abuse by Defendants' agents, servants, and/or employees, including Sharpe.

66. Salvation Army Defendants each breached the duty of care owed to Plaintiff by failing to protect her from foreseeable harm of sexual misconduct of their employees, personnel, or officers, including Sharpe.

67. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, depression, anxiety, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

68. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

**THIRD CAUSE OF ACTION
NEGLIGENT SUPERVISION
(All Defendants)**

69. Plaintiff repeats and realleges each and every allegation contained in paragraphs “1” through “53” above with the same force and effect as if more fully set forth here, and further alleges:

70. Salvation Army Defendants had a duty to provide reasonable supervision of their employee, agent, and officer, Sharpe, when he interacted with minors and to follow up on any reports of misconduct.

71. It was reasonably foreseeable that those employees, agents, and officers, of Salvation Army Defendants with a sexual interest in children, including Sharpe, would act upon these interests and sexually abuse children, including the Plaintiff, unless properly supervised.

72. Salvation Army Defendants, by and through each entity’s respective agents, servants and/or employees, had actual knowledge, knew, or reasonably should have known, of Sharpe’s dangerous and exploitative propensities and/or that Sharpe was an unfit agent due to his sexual interest in children.

73. Despite such knowledge, Salvation Army Defendants each breached its duty to provide reasonable supervision of Sharpe. These failures enabled Sharpe, who was routinely in a position of ready access to children, to sexually abuse Plaintiff.

74. At all times relevant hereto, including, but not limited to, during the sexual abuse of minors, Sharpe was acting in the course and scope of his employment with Defendants as their agent, apparent agent, servant, employee, and/or officer.

75. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, depression, anxiety, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

76. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

**FOURTH CAUSE OF ACTION
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(All Defendants)**

77. Plaintiff repeats and realleges each and every allegation contained in paragraphs “1” through “53” above with the same force and effect as if more fully set forth here, and further alleges:

78. By turning a blind eye to actual knowledge of Sharpe’s abuse, by employing Sharpe, by choosing to place Sharpe in a position wherein he could work unsupervised and with close proximity to children, and by allowing Sharpe access to numerous children, the Salvation Army Defendants caused Plaintiff to be sexually abused. Salvation Army Defendants negligently

placed Plaintiff in danger of bodily harm and caused Plaintiff to suffer extreme physical injury and emotional distress as a result.

79. Salvation Army Defendants' repeated failures by employing and continuing to employ Sharpe, holding out their premises as a safe environment for children, despite having reason to know of the potential dangers to children therein, thereby subjected Plaintiff to sexual abuse and harassment at the hands of Sharpe.

80. By employing Sharpe to work unsupervised with children and/or allowing him to use his broad, unsupervised access to church facilities, Salvation Army Defendants subjected Plaintiff to sexual abuse at the hands of Sharpe, by allowing him to have ready, unfettered access to minors with whom to gratify his prurient desires, including Plaintiff.

81. Plaintiff suffered severe emotional distress, including severe mental anguish and physical injury, due to Salvation Army Defendants' negligence and extreme recklessness.

82. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

WHEREFORE, Plaintiff, demands judgment against the Defendants on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be provide at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction; extent permitted by law;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding costs and fees of this action, including attorneys' fees to the extent permitted by law;

- D. Awarding prejudgment interest to the extent permitted by law;
- E. Awarding such other and further relief as to this Court may seem just and proper.

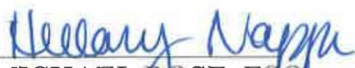
JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: New York, New York
November 19, 2019

Respectfully Submitted,

HACH ROSE SCHIRIPPA & CHEVERIE, LLP


MICHAEL ROSE, ESQ.
HILLARY M. NAPPI, ESQ.
112 Madison Avenue, 10th Floor
New York, New York 10016
212-213-8311

Attorneys for Plaintiff Melanie Chandler

ATTORNEY VERIFICATION

HILLARY NAPPI, an attorney duly admitted and licensed to practice law in the courts of the State of New York, hereby affirms, pursuant to CPLR ¶ 2106, states under the penalty of perjury, as follows:

I am an associate at Hach Rose Schirripa & Cheverie LLP, attorneys for the Plaintiff herein, and as such, fully familiar with all the facts and circumstances heretofore stated herein by reason of a file maintained in our office located at 112 Madison Avenue, 10th floor, New York, New York 10016; I have read the foregoing Complaint, and the same is true to our own knowledge, except as to the matters therein stated to be alleged upon information and belief and, as to those matters, we believe them to be true; and that this verification is being made by us because the Plaintiff does not reside within New York County wherein our office is located.

Dated: November 19, 2019
New York, New York

Hillary Nappi